App. F. IX-4

192 8. 29
(Law)

File No. 92-28
Serial Nos. 1.

Previous References
273-26-1. 6
181-27-1. 6
110-28. 7
86-29- 3-4+13
~~Later References~~
P/356--28-
55.29
Law D.Cp/51-33

P

(77)

General and Revenue Secretariat.

Serial Nos. Sen 4 - no

Part B for August 1931

SUBJECT.

C.S. 21 of 1928-29 on the file of the Dist. Judge Bangalore (Hanumantha Vs Chief Court)

---

22) To The P.Pr Broch
, Comptroller
, Rev Comr

No. P 1001-8 of 17.8.31

Sanctioning fee of Rs 4 for services rendered in the above noted suit.

Original suit [illegible] of [illegible] [illegible]
(Hanumanthia Vs Crown) 1

App F. III—2]

General and Revenue Secretariat

Law File No. 92 3533 of 1928

Serial No.

1 Summons & Show Cause notices in the above suit from the District Judge, Bangalore for service on the Chief Secy.

1 The suit is posted to the 6th March 1929 & the application for injunction ~~will~~ also be heard on the same day.

2 The suit is for a declaration of the plaintiff's right to the land described in the schedule, which he claims as a purchaser at a revenue sale, subsequently cancelled & for a permanent inj^n restraining the 1st & the 2nd defts from interfering with the plff's possession. The 2nd deft is the purchaser at the sale of the land held after cancellation of the first sale. The plaintiff alleges that the cancellation of the sale in his favour is illegal & ultra vires.

3 It is admitted that the suit land was an assessed waste land lying banjar & belonging to Govt. Consequently any claim against Govt respecting the occupation of such land is barred under Sec 221 cl(f) of the Land Rev: Code.

4 The originals of the Summons & the Show Cause notices have to be signed by the Chief Secy, to whom this may kindly be marked for the purpose.

BY
12.2.29

Chief Secy)

12/2

file
14/2 14/2

NOTE—Contn. sheet.

WD 021—GPB—30,000—21-8-28

3533

General and Revenue
Secretariat

Law File No. 92

App F. III—2]
of 1928

Serial No.	
	Draft submitted BMP 16/2/29 Secy)
	Issue 16/2 16/2
2	To the District Judge, Bangalore P 4576 dated 19.2.29 Returning the summons etc
3	The PPr Bangalore P 4577 dated 19.2.29 requesting him to appear & send a draft ws. for approval

Sent
BMP
21.2.29

Serial No.	
4	Petition dated 1st April 1929 from Shaik Hoque Hanumanthi, presented to the Chief Secy (Rev Branch) praying for stay of action by the Rev. authorities till the disposal of the suit.

5 An ad interim order of injunction was passed by the Dt Judge & served on the Ch Secy (Flag H). The hearing of the rule was posted to 6-3-29. It is not known what orders were passed then. ~~Re~~ Draft to PPr put up calling for an immediat

NOTE—Contn. sheet

O. S. 21 of 28.29
~~4494~~
5398

General and Revenue
Secretariat

Law File No 92

App. F. III—2]
of 1928.

Serial
No.

Sub Reg 62

Report.
ADP
8/4/29
8/4

Issue 9/4 8/4

5 To The Public Prosecutor, Bangalore
P 6017 / Law dated 9.4.29
requesting an ~~early~~ immediate report about
the orders passed on the temporary
injunction prayed for by the plaintiff

ons A
ADP
11.4.29

Dft Revd Subd
Non
14/5

Issue 2x/5

P 6989 dated 16.5.29

6/. Letter No: 500 dated 21st May '29 from
P Pr Bangalore stating that the temp:
injn order was passed on 5.2.29 as prayed
for by plff in the above case.

6 The PPr is evidently referring ~~to the~~
ad interim exparte order (Flag H) passed
on 5th Febr. But the hg of the rule was
posted to 6th March 1929 & he was asked
to report as to whether it was made
absolute or discharged on that day.

Draft reply put up

ADP
22.5.29

Issue
23/5

NOTE—Contn. sheet

WD 021—GPB—30,000—21-8-28

Hammanmanna v. Chief Secy
394
6

App. F. III—21

General and Revenue
Secretariat

Law File No. 92 of 1928

√ Sus Reg 42
√ Sus Reg 78
√ Sus Reg 82

Serial No.	
7	To the Public Prosecutor P.7131/Law dated 27.5 enquiring about the final orders passed on the appl^n for temp injn & intimating that in all cases P.Pr shd report ~~the~~ without delay the progress made on each day of hearing
8	Letter No 530 dated 8th June 1929 from P.Pr Police intimating that the case is posted to 27th inst for args on appl^n for temp injn. 7 Further report may be awaited. In the meanwhile, the Revenue authorities have to be instructed not to interfere with the plaintiff's possession of the suit land, in accordance with the ad interim injunction order (Flag A) served on the Chief Secy by the District Court. In serial No 4 (Flag A), the plaintiff in his petition to Govt states that the saguvali chit has been granted to 2nd deft on 11-3-29. Draft to Rev Comr put up for orders.
9	To the Rev Comr Camp P.25 dated 11.6.29 forwarding copy of my order passed [illegible] him to issue necessary instns. ~~that the~~ same to govt

no A
29.5.29

12.6.29

Issued
12/6
2

20/6/29

Note—Contn. Sheet

G. 01684—GPB—30,000—20-4-29

750

App. F. III—2]

General and Revenue
Secretariat

R File No. 92 1928.

Serial No.

10 Letter No C 550 / 28.29 dated 26.10.29 from the Rev Comr reporting that effect has been given to the temporary injunction issued by the Dt Judge in the Case –

8 – Subd for perusal. ~~In~~ the latest quarterly returns, it is seen that the Case was posted to 25.10.29 for argts re: the temp. injn. Further rept from the PPr maybe awaited.

MP
29.10.29

AR 30/10

L.R.)

M 30/10

ypo
P. M. 28/10

M 1/11

SusB
MP
1.11

Jan 1/11

11 Letter no: 369 dated 1.5.30 from PPr Blore forwarding a W.S. with records for approval & return after getting it duly signed by the Ch: Secy.

9 The date of hg is not mentioned in the P.VD. The quarterly statement shows that the case is posted to 26-5-30 for Evidence. It is not clear how this can happen when the W.S is not filed at all.

10 Moreover the PPr does not mention anything about the result of the arguments on the appln for temp. injn – Draft C. 11 for infn on these points put up.

cy of the plaint is also not sent.

L.R.) No. 5/6
carelessness of
this kind has become so
common. If this is the matter
improvement, the [illegible]
shall have to go by. P. 7/5

M 2/5

Note—Contn. Sheet

General and Revenue
Secretariat.

File No of 192

Serial No.	
12	To The P. Pr Blue. 0154 of 6/5/: Point out the defect observed in the statement sent by him for appl in the case (12) Secy's orders on the fair draft Please submit the file to 3rd member for perusal Sd P.K 10/5
13	Letter No: 376/29·30 dated 17th May 1930 from PPr forwarding C of plaint & stating that the case is posted to 26·5·30 for W.S & for evidence re: temporary inj 13) The suit is a simple suit for declaration of title to the dry land described in the plaint schedule & for injn restraining the defendants' from interfering with plff's possn. 14) The plff claims title by purchase at an auction sale held by the Rev Deptt & admits that the land sold was waste or unoccupied land belonging to Govt ~~This~~ Sale was subsequently set aside at the instance of the 2nd deft by the Rev Comr whose order was duly confirmed by Govt. The 2nd deft became the purchaser at the subsequent sale

NOTE—Contn. sheet.

General and Revenue Secretariat. [illegible]

Serial No.

The suit is therefore clearly one which is barred from the jurisdiction of civil Courts under sec 221 (F) of the L.R.A. (Vide 14 M.C.C.R.).

15) The Draft W.S. [illegible] has been revised and if approved will be typed & submitted to Ch. Secy for signature. The file [illegible] to be sub^d to 3rd member as per L.R.'s order para 12 supra.

14.5.30

16) Appr. 17/5

20/5

CHIEF SECRETARY 21 MAY 1930

17) Typed W.S. submitted for issue & signature of Chief Secy.

21.5.30

18) 21/5

19) Draft returning the W.S. & records to P.P. Bassein put up for approval

21.5

20) Issue 21/5

21/5

11458/26/5

14. To, the Public Prosecutor, Bassein No 6694 dated 2[illegible].5.30 returning the records & the fair [illegible] for [illegible]

21) Sub[illegible] para 12 sup

1017 [illegible]

WD 866—C.—80,000—26-7-29

General and Revenue
Secretariat

File No.

App. F. III—2]
of 192

Serial No.

15 Letter No 169/30-31 d 6th Nov 1930 from the Bangalore stating that O.S. 21/28-29 on the file of the Dist. Judge Bangalore (Hanumanthaiya vs. Gt. was dismissed as the plaintiff had reported settlement out of Court, and forwarding a bill for Rs 80/- for the services rendered therein.

(ii) The PPr. states that the O.S. dismissed and each party was ordered to bear his own costs. The bill may be sanctioned and the Rev Comm^r may be requested to point out the source. Dft. G.O. sanctioning is put up. The bill duly countersigned for appearance

TSD
7/11

(iii) It is not stated by the PPr, whether he agreed to the dismissal of the suit each party bearing his own costs. A settlement of suit out of Court in which Govt is a party can only be under Govt sanction (Vide rule 135). Law Dept has not authorised the PPr to report any such settlements & under whose instru he agreed to such a course being adopted by the Court is not stated. Draft enquiring is put up for orders.

Legal R.

(iv) Issue
M
17/11

8/4

16 ~~Letter no.~~ To

The PPr. B'lore, No. P. 2693 d 11
enquiring whether he agreed ~~to~~ for the dismissal of the on the course adopted by the Ct and if so on what authority he took such action

Note—Contn. Sheet

243) 9

CHIEF SECRETARIAT R 2203 15 NOV 1930 REVENUE B

Serial No.

17 Letter No. 183/30-31 dated 14. 11-30 from PPr. Bangalore explaining the Circumstances under which he agreed for the dismissal of the Case O.S. 21/28-29.

2) PPr. states that prior to the institution of this Suit there was an ~~applica~~ petition pending in the Rev. Comr's Court, in the matter of disposal of the Concerned Survey num In pursuance of the order passed by the Rev. Comr in the above petition, plaintiff and the 2nd deft seem to have settled the matter out of ~~the~~ Court, and applied for the dismissal of the Suit. He further states that Govt was not a party to such a settlement and will be affected in the least by such withdrawal, as Govt itself had authorised the Rev. Comr to settle the matter between the par

A For perusal

15D 15/11

3) A. Rev. Branch for kindly putting up the references relating to the instruction said to have been issued to the Rev Comr in the matter of this suit – (Vide also portion marked B in the Copy of the Rev: Comr's order sent with the P V D)

Hag* M.

Mr T.C.

BM 15/11

BN 15/11

Subd.

4) The previous references are ~~put~~ up. for

~~2803~~
Rev

213/30

File No. of 193 General and Revenue Secretariat

---

for kindly perusal The refec marked A Supra is flagged X in (LR. 36 – 29 – 4) kept below

T.C.
12. 11. 30

Prod. B.

18/11/30

19/11

Previous refeis

LR. 181 – 27 – (1–6)
LR 273 – 26 – (1–6)
LR 110 – 28 – 7
LR 36 – 29 – (1–4)
LR Dep. 55 – 29
LR Dep 1356 – 28

) Please put up a draft to the PPr requesting him to obtain & send a certified copy of the decree passed in the Case as well as the Judge's notes for 21-7-30

20/11

Dft put up accordingly
For approval

TSD
20/11

Issue

22/11

To
The PPr. B'lore

No. P. 2924 d 24. 11. 30 requesting to send Copies of Judgment and decree passed in the Case O.S. 21/28-29.

18

Sus A.

TSD
25/4

25/11

Letter no 328/30-31 dated 28. 1.31 from the PPr. Bangalore forwarding copies of Judges' notes and Judgment

19

31) The Case is dismissed, parties being ordered to bear their own costs. Half institution fees to be refunded.

For perusal

TSD
29/1

3735

11

App. F. III—2]

General and Revenue
Secretariat

File No. of 193

Serial No.

Reference paras 25 & 27 Supra:

32) The P.Pr, Bangalore has not explained ~~how~~ why he did not press for costs due to Govt in the case. Simply because the Pltf & the 2nd deft settled the dispute out of Court on account of the order of the Rev Comr, it is not clear why ~~Govt should~~ the Court ordered Govt to bear its own costs.

33) The Value of the Suit ~~is~~ reported to be only Rs 32/- & consequently the costs that could have been awarded would not have been more than about Rs 10/- at the most.

34) The P.Pr's bill for Rs 50/- for service rendered in the Suit, seems under the circumstances to be rather excessive. ~~He~~ What he has done is to file the W.S. ~~only~~ ~~& in this connection reference is invited to~~ the case which has been compromised even before the stage of framing issues arrived.

Subd. for orders.

Legal Rr

BMG
29.1.31

35) He is not entitled to more than the minimum fee. On 30.6.30 the P.P. was absent. On 31.7.30 his presence is not noted in the proceedings. He did not press for costs at all. He may be allowed accordingly.

B M
20/2

The certificate attached to the

'12

3733

File No. of 193 General and Revenue Secretariat

bill shows that the PPr was present on 31·7·1930.

36) Draft enquiring whether he did or did not press for costs is herewith put up for favour of approval

Legal K

Bml 21/2

Issue
P. M. 28/2

Hoj 'A'

To

The PPr. Bangalore

20

P. 5334 dated 4.3.31 enquiring whether he did or did not press for costs?

Resubd.

TSD 4/3

Susd for a fortnight
Bml 4/3

L.S. No reply has yet been recd from the P.Pr. Hence a draft reminder is put up

2/4

Issue
Bml 2/4

Rem P. 6521 of 7/4/31

[illegible] Another reminder is put up. as no reply has [illegible] been received

12/5

Issue
Bml 12/5

388

X3

App. F. III—2]

General and Revenue Secretariat File No. of 193

Serial No.

21

Letter no 34/31-32 dated 21st July 1931 from the PPr. Bangalore explaining the circumstance under which he did not press for the C in this case.

It is stated that the plff refused settlement out of Court even before the reply to the W.St. was ~~[illegible]~~ filed. As the value of the suit ~~being~~ was Rs 32 only, ~~the Govt~~ he did not ~~was not~~ pressed for costs.

Kind reference is invited to Ser. No. 15 supra and orders are solicited in regard to his bill for Rs 50/-. In para 35 supra L.R. has ordered that he is not entitled to more than the minimum fee.

Subd for perusal & orders.

TSD 5/8

The PPr ought to have pressed for costs in this case. The fee of Rs 50/- claimed is excessive - The minimum ~~fee~~ for a suit in the Dt Ct is Rs 7/- ~~[illegible]~~ may perhaps be sanctioned in the [illegible] of this case -

(Chief Secy)

5/8

7/8

Dft G.O.

8/8

Dft G.O. sanctioning is put up for ~~[illegible]~~

TSD 8/8

(Chief Secy)

8/8

Issue [illegible] 13/8

14/8

GENERAL SECRETARIAT 16 AUG. 1931

TYPING SECTION 14 AUG. 1931

Note—Contd. Sheet

W.502553--50,000--GPB--8/7 30

Notice to show cause.
General form
Form No. 71, (Civil).

2 stamps affixed
Auditor

IN THE COURT OF AT

SUIT NO. OF 192 —192 .

Applicant. } *Vs.* { Opponent.

To

Whereas the above named has made application to this Court that

You are hereby warned to appear in this Court in person or by a Pleader duly instructed on the day of 192 at 11 o'clock in the forenoon, to show cause against the application failing wherein, the said application will be heard and determined *ex parte.*

Given under my hand and the seal of the Court, this day of 192 .

A. P. Sabapathy
Judge

WD 01878—GPB—10,000—11-6-28

Civil
Form No. 105.

4+
1789 to 1791

353 P of Bangalore
8. 2. 192
2

SECRETARY,
9 FEB. 1929

W/d

From The District Judge
Bangalore Division,
Bangalore

192 .

To The Chief Secretary
to the Government of Mysore
Bangalore

Sir,

I have the honor to forward herewith Pro: Notice and Defendant Summons, in duplicate in O. S. No. 21 of 1928-29 ~~No.~~ ~~of 192~~ in the file of this Court, and to request, that you will be so good as to ~~cause~~ for service the duplicates ~~to be served on the individual therein named~~, and the orginal returned to this Court with due endorsement of service thereon, on or before the date of hearing. (6-3-1929)

~~A sum of Rs.~~ is ~~herewith sent, being~~

~~witness batta~~

I have the honor to be.

Sir,

Your most obedient servant.

Sheenappa 8/2/29
District Judge

WD 0543—GPB—8,000—17-7-26

3

To the Chief Secretary
to the Government of Mysore
Bangalore

Copy tendered

Notice to show cause.
General form
Form No. 71, (Civil).

IN THE COURT OF the District Judge AT Bangalore

O. SUIT NO. 21 OF 1928-1929.

Hanumanthrao — Applicant. } Vs. { 1) the Chief Secretary to Govt. of Mysore Opponent.

To

Whereas the above named plaintiff has made application to this Court ~~that~~ praying for the grant of a temporary injunction

You are hereby warned to appear in this Court in person or by a Pleader duly instructed on the 6th day of March 1929 at 11 o'clock in the forenoon, to show cause against the application failing wherein, the said application will be heard and determined *ex parte.*

Given under my hand and the seal of the Court, this 7th day of February 1929 Bangalore

Judge.
J. P. Sabapathy Mudr
Sheristedar

WD 01878—GPB—10,000—11-6-28

In the Court of the District Judge, Bangalore Division.

Original Suit No. 21 of 28-29.

PLAINTIFF.		DEFENDANT.
Hanumanthaiah.	-VS-	1) The Chief Secretary to Government of Mysore 2) Balappa.

To

The Chief Secretary to the Government of
Mysore, BANGALORE.

Whereas the plaintiff has applied to this Court for the grant of a temporary injunction restraining you from interfering with his possession of the suit land, it is ordered that you be and are hereby prohibited and restrained until further orders of this Court from interfering with the plaintiff's possession of the suit land (Survey No. 26 in Nachakunte village, Tondebavai Hobli, Goribidanur Taluk, measuring 8 acres and 5 guntas assessed at Rs. 4-8-0) (HG: 6-3-1929.)

Giv[illegible] hand and the seal of the Court this 8th day of February in the year 1929.

DISTRICT JUDGE.

Sd

Hg 6/3/192
5

Summons for disposal
of suit (O. 5, rr. 1, 5)
Form No. 1, Civil.

IN THE COURT OF the District Judge AT Bangalore Dn

O SUIT NO. 21 OF 19~~28~~1929

Hanumanthiah
Shanbhogue
Kavidalu, Doddebanahalli,
Gauribidanur Taluk —
Plaintiff

vs

1) The Chief Secretary
to the Govt. of Mysore
Bangalore
Defendant

To The ~~First~~ Defendant —

WHEREAS the above named plaintiff
has instituted a suit against you ~~for~~ as per plaint (copy attached)
you are hereby summoned to appear in this Court in person or by a pleader duly instructed, and able to answer all material, questions relating to the suit, or who shall be accompanied by some person able to answer all such questions, on the 6th day of March 1929, at 11 o'clock in the Forenoon, to answer the claim; and as the day fixed for your appearance is appointed for the final disposal of the suit, you must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance on the day beforementioned, the suit will be heard and determined in your absence.

Given under my hand and the seal of the Court, this 7th day of February 1929

By order —
A. P. Sabapathy Munsi
Forwarded to serve

Notice.—1. Should you apprehend your witnesses will not attend of their own accord, you can have a summons from this Court to compel the attendance of any witness and the production of any document that you have a right to call upon the witness to produce on supplying to the Court and on depositing the necessary expenses.

2. If you admit the claim, you should pay the money into Court together with the costs of the suit, to avoid execution of the decree, which may be against your person or property or both.

WD 01866—GPB—17,500—13-6-28

Appendix F G—1

SUBJECT........

Diary No. of letter replied to........

General and Revenue Secretariat

( )

the 192

Date of issue........ 19/2/29

Signed by ....

List of enclosures........

Copied by........

Examined by........

Section Law

File No. 92-28

Serial No. 2

No. L4576(2)

To

The District Judge

Bangalore

Sir,

I am directed to return herewith the originals of the Summons and show Cause notice in O.S. 21 of 28-29, (Hanumanthia vs Chief Secretary) duly signed by the Chief Secretary to Govt.

I have etc

N. Forbes

MP

16/2

over

Appendix F G—1

SUBJECT..

Diary No. of letter replied to.................................

General and Revenue Secretariat

(   )

the   *192*

Date of issue.......19/2/29......

Signed by ....

st of enclosures.......................................

Copied by.......................................

Examined by.......................................

Section Law

File No. 92-26

Serial No. 3

No. L 4577 Gue

To

The Public Prosecutor
Bangalore

Sir,

I am directed to request you to appear on behalf of the Chief Secretary to Govt in O.S. 21 of 1928-29 (Hanmanthia vs Ch Secy) on the file of the District Court, Banga. The suit is posted to 6th marc 1929 and you are requested to take instructions from the Revenue Commissioner in Mysore and send a draft

over

WD 0399—GPB—20,000—18-9-28

written statement in due course

for approval. ~~The~~ A copy of the plaint and ~~is sent herewith~~ application for temp: injn filed by the plaintiff are sent herewith

~~Ihaveek~~
Maveek

D. 16/12 for Secy

457

Copy to the Rev Comr in Mysore

for necessary action

5477

Filed.

This is being dealt with in the Protectn Br and may therefore be transfd to that Br

TW
3/4

W
5/4

To the Protection Branch
Ah
[illegible]

ACW
5/4

WD 2882—GPB—40,000—14-5.20

447428
P

(542)

CHIEF SECRETARIAT
R.5779
2 APR 1929
REVENUE BRANCH

Law 92-28-29

To

The Chief Secretary
to the Government of His Highness
the Maharaja of Mysore,
Bangalore.

Ref 2/4/29

Petitioner:--Shanbhogue Hanumanthayya,
Son of Shanbhogue Nanjundiah,
Taridal Village,
Goribidnur Taluk,
Kolar District.

Most Respected Sir,

I beg to submit the following facts for favour of Your Honour's kind consideration and favourable orders:-

1. That in the matter of re-sale of Survey No. 26,@ dry, measuring 8 acres and 3 guntas, assessment 4-8-0, which was in my possession and enjoyment, a case has been filed by me in the Court of the District Judge, Bangalore District, in O.S.No. 21 of 28-29, and on 5th February 1929, an Injunction Order was passed by the District Judge and the same together with Summons has been sent up to Your Honour as well as the 2nd Defendant Balappa on 4th March 1929.

@ situate in Nachukunte, Goribidnur Taluk.

Mr T.V.N.
[illegible]
finally
[illegible]
any thing
I think
2/4/29

2. That I have submitted a petition to the Taluk authorities also on 5th February 1929 stating that an injunction order has been passed in the matter and so the re-sale should not be confirmed etc. But, to my misfortune, even then, the Sub-Division Officer, Chikballapur, on 11-3-29, has confirmed the re-sale and the 2nd Defendant Balappa

Balappa has been granted the Saguvali Chit on 16-3-29, with No.A.D.68/27-28.

3. By the grant of the Saguvali Chit, I have been put to much renewed hardship, and unnecessary worry.

PRAYER.

That in the light of the above facts, I most humbly and respectfully pray that Your Gracious Honour will be pleased to pass an order to the Revenue Authorities to the effect that no action need be taken till the final disposal of the matter, as I shall be put to too much anxiety and trouble; and I be favoured with an Endorsement of the cancellation of the grant of the Saguvali Chit and stay of further proceedings in the matter.

For which act of kindness, I shall, as in duty bound, feel ever highly grateful.

I beg to remain,
Most Respected Sir,
Your most obedient servant,

Bangalore,
1st April 1929.

Petitioner.

ppendix F G—1

SUBJECT...

....

....

Section Law

File No. 92-28

Serial No. 5

Diary No. of letter replied to..............................

No.

Immediate L 6019

General and Revenue Secretariat

( )

the 192

To

The Public Prosecutor

Bangalore

ate of issue.............. 9/4/29

Signed by ....

Sir,

I am directed to request you to report at once what orders ~~have~~ have been passed ~~the application for temporary~~ by the District Judge, Bang ~~on 6th March 1929~~ in O.S. 21 of 28-29 (Hanumanthia vs Chief Secretary) on the application for temporary injunction prayed for by plaintiff.

I have etc

over

st of enclosures..............................

opied by..............................

Examined by..............................

874

WD 0399—GPB—20,000—18-9-28

500/1929

5398 of 28
P

Bangalore
21-5-1929.

12

From

The public prosecutor,
Bangalore Dn

N6.

To

The Legal Remembrancer,
and Secretary to Government,
Law Department,
Bangalore.

P. 22/5
N

Sir,

Re: OS 21/28-29 on the file of the District Judge Bangalore.

Law 22/5

With reference to your letter no. P 6989/Law of the 16th instant I have the honour to inform to inform you that the temporary injunction has been passed on 5/2/1929 as prayed for by plaintiff in the above case.

I have the honour to be,
Sir,
Your most obedient Servant,

B. N. Vijaya Deva
public prosecutor,
Bangalore.

Appendix F G—1

SUBJECT..........

Section Law
File No. 92-28
Serial No. 7

No. 7/31 Law

Diary No. of letter replied to..........

General and Revenue Secretariat

(   )

the   192

Date of issue 27-5-29

Signed by

To

The Public Prosecutor
Bangalore

Sir,

Re: O.S. 21 of 28-29 on the file of the District Judge, Bangalore.

With reference to your letter No: 500 dated 21st May 1929 regarding the enquiry ~~to orders passed on the brief~~ made in my letter No: P6019 dated 9-4-29 as to the orders passed on the application for temporary injunction prayed for by the plaintiff, I have the honour to state that what-

List of enclosures..........

Copied by..........

Examined by..........

over

WD 0399—GPB—20,000—18-9-28

was asked to be reported was not about the ad-interim exparte order passed on 5th Febr 1929 but the final order passed after ~~the~~ hearing ~~of~~ the rule on 6th March 1929.

I am to request you to note that in all cases in which you are engaged by or on behalf of Government, a report as to what takes pla on each day of hearing has to be sent to me without delay.

I have etc

23/5

Legal Remr

530/28-29

~~5719/28~~ P B

8/6/19

43903

5502 15

~~3697~~

GEN. & REV. SECTT.
11 JUNE 1929
L. & G. Branch

868

GEN. & REV. SECTT.
L.D. SECTION.
L.G.
9 JUN. 1929

From

The public prosecutor
Bangalore

To

The Legal Remembrancer
and Secretary to Government,
Law Department, Bangalore

Sir,

Re: OS 21/28-29 plaintiff Hanumanthiah, on the file of the District Judge, Bangalore.

[illegible]
1116

With reference to your letter no. 7131/Law 92-28 dated 27th May I have the honour to inform you that the above case was posted to 7/6/1929 for arguments about the temporary injunction passed. For want of time the case stands adjourned to 27th instant.

W
1116

I have the honour to be,
Sir,
your most obedient Servant,
B. N. Vijaya Deva.
public prosecutor,
Bangalore

Appendix F G–1

SUBJECT

Section Law

File No. 92 of 28

Serial No. 9

Diary No. of letter replied to 5719

Camp No. 25

Immediate

General and Revenue Secretariat

(   )

the   192

To

The Revenue Commissioner in Mysore, Bangalore.

Date of issue 17 – 6 – 29

Sir,

Signed by Mr. N. Sitharamaya

I am directed to forward herewith copy of the prohibitory order dated 8th February 1929 issued by the District Judge Bangalore in O.S. 21 of 28-29 (Hanumanthia vs Chief Secretary and Balappa) restraining the Government from interfering with the plaintiff's possession of Survey no: 26, in Nachaunde village, Tondebhavi Hobli

List of enclosures

Copied by

Examined by

over

Goribidanur Taluk measuring
8 acres and 3 guntas, until
further orders of the Court
and to request you to
issue necessary instructions
in the matter and report
the same to Government
in due Course.

I have etc

M'

F 16/6

Legal Rr

13/6

No. C.3562/28-29
~~One/one file~~

1950
p

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE,

Dated, Bangalore, 16/10/1929

FROM

RAJAKARYA PRAVINA
P. G. D'SOUZA, Esq., B.A., B.L.,
Revenue Commissioner in Mysore.

16/10

To

*The ~~Chief~~ Secretary to the Government
of His Highness the Maharaja of Mysore,*
Law Department, *Bangalore.*

SIR,

With reference to your Camp No.25/Law. 92-28 dated 17th June 1929 forwarding a copy of prohibitory order dated 6th Febru 1929 issued by the District Judge, Bangalore in O.S.No.21 of 28-29 (Hanumanthia - Vs - Chief Secretary and Balappa) restraining Govern ment from interfering with the plaintiff's possession of S.No.26 in Machakunte village, Tondebhavi Hobli, Goribidnur Taluk, measuring 8 acres and 3 guntas, until further orders for action, I have the hon to forward herewith copy of letter No.M.2-C.1534/28-29 dated 5th September 1929, from the Deputy Commissioner, Kolar District, reporti that he has given effect to the injunction order and caused a notice to be served on the 2nd defendant.

2. The records connected therewith are forwarded for kind perusal.

I have the honour to be,
Sir,
Your most obedient servant

Assistant Commissioner,
For Revenue Commissioner.
Absent from the station.

16/10

Law

BR.

Letter No.M.2-C.1834/28-29 dated 5th September 1929, from the Deputy Commissioner, Kolar District, to the Revenue Commissioner in Mysore.

Temporary Injunction.

Re disposal of S.No.26 Natchakunte village, Goribidnur Taluk.

With reference to your Memo No.T.40/28-29 dated 17th June 1929 forwarding a copy of prohibitory order dated 8th February 1929 issued by the District Judge, Bangalore in O.S.No.21 of 28-29 (Hanumanthiah - Vs - Chief Secretary and Balappa) restraining Government from interfering with the plaintiff's possession or survey No.26 in Natchakunte village, Thondebhavi Hobli, Goribidnur Taluk measuring 8 acres and 3 guntas until further orders for action, I have the honour to state that the injunction order was duly given effect to and the notice served on the 2nd defendent on 2nd July 1929 together with the report No.C.2168/28-29 dated 31st July 1929 of the Sub Division Officer, Chickballapur is enclosed for perusal.

The Amildar has reported that he has submitted the connected records to you with his No.H.C.350/26-27 dated 1st August 1929

" Copy "

For Revenue Commissioner.

369/4-30
encl 1 file.

5290

Bangalore
1-5-1930
26

From

The public prosecutor,
Bangalore.

R 1/5/30

To

The Legal Remembrancer
and Secretary to Government,
Law Department,
Bangalore

Sir, Re: OS 21/28-29 on the file of the District Judge, Bangalore

I have the honour to send herewith the draft written statement for your approval and return with the signature of the chief Secretary. The connected records are sent herewith.

I have the honour to be
Sir,
your most obedient Servant

B. N. V. Della
public prosecutor,
Bangalore

In the Court of the District Judge.
Bangalore.
OS. No. 21 of 28-29.

Plaintiff	Defendants
Hanumanthiah	1. Chief Secretary to Government
	2. Balappa.

Under order VIII rule 1 of the C.P.C. the first Defendant files the following written statement:-

1. Since the plaintiff's ~~Suit~~ claim against Govt in this suit ~~is not maintainable~~ relates to the occupation of waste or vacant land belonging ~~under Section 221~~ (f) ~~of the Mysore Land Revenue Code.~~ to Govt, ~~this Court~~ the jurisdiction of the Civil Courts in the matter is barred under sec 221(f) of the Land Rev Code

2. plaintiff is not in possession of the plaint property ~~plaintiffs'~~ & his suit for declaration & injunction is therefore not maintainable.

3. This Defendant ~~denies~~ is not aware of the allegations regarding the ill-will between the plff & the 2nd deft in para 5 of the plaint.

4) The auction sale referred to in para 2 of the plaint was cancelled by competenent revenue authorities ~~on the ground of inadequate price and for irregularity,~~ on sufficient grounds according to law and does not therefore give rise to any cause ~~illegality and fraud in publishing~~

of action for a Civil Suit against Government ~~publishing and conducting the sale.~~

4. The Revenue Commissioners order in favour of the pltf cancelling ~~plaintiff's~~ the sale, and the final order of Government confirming it, as referred to in paras 6 of the plaint, are ~~valid, just and equitable. They are therefore~~ binding on the plaintiff, and cannot be called in question in this Court ~~and plaintiff is therefore not entitled to the declaration and injunction prayed for in the suit, as plaintiff has got no title in the plaint property.~~

5. After cancellation of the first sale, the land was put to auction on 22.1.29 & was purchased by the second defendant for a higher and a fairer price of Rs 740 ~~including cess, in the auction sale held on 22-1-1929~~. This ~~resale~~ sale was confirmed on 16-3-1929 and a Sagvalli chit ~~also~~ was duly issued ~~in~~ to the second defendant ~~favour~~ on 16-3-1929. The second defendant is therefore entitled to the property ~~as he got good title~~ and is in possession of it ~~also~~

6. This defendant is not aware ~~that~~ of plaintiff ~~has spent~~ spending large sums of money for

improvements of the land as alleged in para 4 of the ~~the~~ plaint, ~~(Even assuming that plaintiff had made some improvements before he was prevented from conti in possession, still the improvements were made at his own risk during the pendency of his appeals.~~ before the Revenue authorities

7. The Sagwali chit dated 20.11.1922 in favour of the plaintiff referred to in para 3 ~~as alleged by him in the plaint~~ of the pla was fraudulently obtained by ~~plaintiff~~ him after by suppression of the fact of Kolar Deputy Commissioner's order for resale dated 21-1-1922, ~~on~~ & the Sagwali chit cannot ~~the~~ give him any title to the land – ~~the ground of irregularity and illegality in publishing and conducting the first sale and on account of grossly inadequate price.~~

8. ~~There was also~~ Plaintiff gave an ~~plaintiff's~~ undertaking ~~the Amildar dated~~ on the 30th June 1923, that he would not enter into possession of the land during the pendency of ~~pending~~ his appeals in the mal

~~which were ultimately decided~~

~~against him~~. There was also notice issued to the plaintiff by the Re——— ……… not to enter into possession before the plaintiff's appeal was finally hear and decided. ~~Hence~~ If in spite of this, the plaintiff ~~was~~ any expenses at improving the land, he mu voluntarily ~~never in actual possession nor~~ done it at his own risk and Consequ ~~allowed to enjoy possession of the plaint property~~.

8 ~~9~~. ~~plaintiff's suit is undervalued~~ The value of the plaint property being ~~is not~~ less than Rs 740 plaintiff's suit is ~~therefore not maintainable for want of proper~~ of the court fee ~~also~~. ha insufficient

~~10. There is no cause of action against this defendant. This defen does not admit plaintiff's alleg in the plaint not expressly admitted in this statement and which are inconsistant with what is stated in this written statement.~~

The defendant therefore prays that the plaintiff's suit ~~should~~ be dismissed with ~~all~~ costs ~~on~~ ~~plaintiff~~.

S.N.V. Dera.

Chief Secy to Govt

9 The first defendant do declare what is stated above is true to the best of my knowledge, information and belief.

Chief Secy to Govt

Bangalore, ?

Appendix F G—1

SUBJECT...

Diary No. of letter replied to.....................

General and Revenue Secretariat
(   )
the   193

Date of issue 10.5. 930

Signed by M P Ma [illegible]

List of enclosures..

Copied by..

Examined by..

Section Law

File No. 92-28

Confidential ~~Serial No.~~ 12

No. P 6154

To

The Public Prosecutor
Bangalore

Sir,

With reference to your letter No: 369 dated 1st May 1930 forwarding a written statement in O.S. 21 of 28-29 (Hanumanthia vs Govt) on the file of the District Judge, Bangalore, for approval, I have the honour to ~~state~~ point out that the date to which the case is posted for filing the defence is not mentioned in your letter ~~and a~~ nor is a copy of ~~p~~ the

over

33

plaint ~~is not~~ sent for reference. The Statement for the quarter ending 31st March 1930 sent by you shows that this Case is posted to 26.5.1930 for Evidence. It is not clear how evidence can be heard when the written statement itself is not yet filed.

Reference is invited to this office letter No: P 7131 dated 27.5.29 calling for a report regarding the grant of temporary injunction in this case. It is to be regretted that this report is not yet furnished.

Information on all the points mentioned above may be sent without any further delay. Carelessness of this kind has been ~~[illegible]~~ noticed in too many instances, and if no improvement is ~~found~~ shown, the matter shall have to be reported to Govt.

I have etc

L.R

Bm
5/5

Confidential

No. P 6654 of 16/5/30

The Public Prosecutor,
Bangalore Division.

With reference to your letter No.369 dated 1st May 1930 forwarding a written statement in O.S.21 of 28-29 (Hanumanthia Vs. Government) on the file of the District Judge, Bangalore, for approval, I have the honour to point out that the date to which the case is posted for filing the defence is not mentioned in your letter nor is a copy of the plaint sent for reference. The statement for the quarter ending 31st May 1930 sent by you shows that this case is posted to 25th May 1930 for evidence. It is not clear how evidence can be heard when the written statement itself is not yet filed.

Reference is invited to this office letter No.P.7131 dated 27th May 1929 calling for a report regarding the grant of temporary injunction in this case. It is to be regretted that this report is not yet furnished.

Information on all the points mentioned above may be sent without any further delay. Carelessness of this kind has been noticed in too many instances, and if no improvement is shown, the matter shall have to be reported to Government.

I have the honour to be,
Sir,
Your most obedient servant,

Legal Remembrancer &
Secretary to Govt.,
Law Department.

Please [illegible] file [illegible] number [illegible]

TD

Fair Draft

16/5

No 376/29-30
encl (3 papers)

5560
Bangalore.
12. 5. 30 38

From

The public prosecutor,
Bangalore.

To

The Legal Remembrancer
and Secretary to Government
Law Department,
Bangalore.

R. 13/5

Sir,

have the honour to state that c 21/18-19 on the file of the District Judge, Bangalore (Hanumanthiah vs. Government) is posted to 26th May 1930 for written statement and also for evidence as regards the temporary injunction passed in the above case. It is regretted that by a slip of hand the case has been shown for "[illegible]" in the quarterly statement, the other words "as regards temporary injunction" being left out. A further report will be sent about the temporary injunction after the above date.

As regards copy of the plaint in this case I regret that it was not sent in the belief that a copy would have been made and kept in the Secretariat. The matter will be noted for future guidance. A copy of the original print is sent herewith and I request that the same may be returned when done with.

I have the honour to be,
Sir,
Your most obedient Servant,
B. N. V. Deva.
Public prosecutor,
Bangalore.

Appendix F G—1

SUBJECT……………………………………………………………

……………………………………………………………

……………………………………………………………

Section (Law)

File No. A-8

Serial No. 11f

No. R 6945 Court Records

Diary No. of letter replied to……………………

General and Revenue Secretariat

( )

the 192

To

The Public Prosecutor

Bangalore.

Date of issue 22/5/30

Signed by……………

Sir,

With reference to your letter No: 376 dated 12th May 1930 forwarding for approval a draft written statement in O.S. 21 of 28-29 (Hanuman vs first) on the file of the District Judge, Bangalore, I have the honour to return herewith the revised statement, faired

List of enclosures……………………

Copied by……………

Examined by……………

over

and duly signed by the Chief Secretary for being filed in Court on 26th May. The records sent ~~are~~ with your letter also accompany

Further progress of the Case may be intimated to this Office as usual.

I have etc

P. M.

L. R.

21.5.30

39

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE,

General and Revenue Secretariat

Dated, Bangalore, 22nd May 1930.

No: J 6692 Records

From

The Secretary to the Government of His Highness the Maharaja of Mysore,
Law Department.

To

The Public Prosecutor,
[illegible]

Sir,

With reference to your letter No. 376 dated 12th May 1930 forwarding for approval a draft written statement in O.S. 21 of 1928-29 (Hanumantia Vs. Government) on the file of the District Judge,Bangalore I have the honor to return herewith the revised statement, faired and duly signed by the Chief Secretary for being filed in Court on 26th May. The records sent with your letter also accompany.

Further progress of the case may be intimated to this office as usual.

I have the honor to be,
Sir,
Your most obedient servant,

Fair For Legal Remembrancer and
Secretary to Government
Law Department.

c.n.

In the Court of the District Judge, Bangalore.

Os. No.21 of 28-29.

Plaintiff.	**Defendants.**
Hanumanthiah.	1. Chief Secretary to Government. 2. Balappa.

Under Order VIII rule 1 of the C.P.C. the first defendant files the following written statement:-

1. Since the Plaintiff's claim against Government in this suit relates to the occupation of waste or vacant land belonging to Government, the jurisdiction of the Civil Courts in the matter is barred under section 221 (f) of the Land Revenue Code.

2. Plaintiff is not in possession of the plaint property and his suit for declaration and injunction is therefore not maintainable.

3. This Defendant is not aware of the allegations in para 5 of the plaint regarding the illwill between the plaintiff and the Second Defendant.

4. The auction sale referred to in para 2 of the plaint was cancelled by competent Revenue authorities on sufficient grounds according to law and does not therefore give rise to any cause of action for a Civil suit against Government.

5. After cancellation of the first sale, the land was put to auction on 22nd January 1929, ~~the land was~~ and was purchased by the second defendant for a higher and a fairer price of Rs. 740/-. This sale was confirmed on 16th March 1929 and a sagvalli chit was duly issued to the second defendant on 16th March 1929. The second defendant is therefore entitled to the property and is in possession of it.

6. This defendant is not aware of the plaintiff spending large sums of money for improvements of the land as alleged in para 4 of the plaint. Plaintiff gave an undertaking

to the Amildar on the 30th June 1923, that he would not enter into possession of the land during the pendency of his appeals in the matter. There was also notice issued to the plaintiff by the Revenue Commissioner not to enter into possession before the Plaintiff's appeal was finally heard and decided. If in spite of this, the Plaintiff incurred any expenses at improving the land, he must have done it voluntarily at his own risk and consequently can claim no equity in his favour.

7. The Sagvalli chit dated 20th November 1922 in favour of the plaintiff referred to in para 3 of the plaint was fraudulently obtained by him after suppress of the fact of Kolar Deputy Commissioner's order for resale dated 21st January 1922 and the saguvali chit cannot therefore give him any title to the land.

8. The value of the plaint property being not less than Rs.740/- Plaintiff's suit is undervalued, and the Court fee paid is insufficient.

The defendant therefore prays that the Plaintiff's suit be dismissed with costs.

Chief Secretary to Government.

I the first defendant do declare what is stated above is true to the best of my knowledge, information and bel

Chief Secretary

Bangalore,

No. 169/30-31
encl. 1 bill for Rs 50/-

228/930
p

Bangalore
6-11-1930
62

L [illegible] 92-286-15

From

The public prosecutor,
Bangalore.

To

The Legal Remembrancer
and Secretary to Government,
Law Department,
Bangalore

7/11

Law
7/11

Sir,

OS 21/1929 on the file of the District Judge, Bangalore. (Hanumanthiah vs. 1. Chief Secretary, 2. Ballappa)

With reference to your letter no. P 4577 / Law 92-28-2 dated 19-2-1929 requesting me to appear in the above case to defendant on behalf of Government, I have the honour to state that I filed the written statement in court in consultation with the Revenue Commissioner. The case was posted to ~~[illegible]~~ 21-7-1930 for reply of the plaintiff to the written statement c on that date plaintiff reported settlement out of Court. Accordingly the suit was dismissed and each party was ordered to bear his own costs. I enclose herewith my bill of remuneration duly counter signed by the District Judge for payment. I request you to kindly pass the bill at an early date. The records received from the Revenue Commissioner are returned [illegible].

I have the honour to be,
Sir,
Your most obedient Servant,
B. N. V. [illegible]
Public prosecutor,
Bangalore

Appendix F G—1

SUBJECT..........

Diary No. of letter replied to..........

General and Revenue Secretariat

( )

the 193

Date of issue 12/11

Signed by M. N. A. G Rao

List of enclosures..........

Copied by..........

Examined by..........

Section Law

File No. 92-28

Serial No. 6

No. P2693

Immediate

To

The Public Prosecut

Bangalore

Sir,

With reference to yo letter No: 169 of 6th No intimating the ~~settlem~~ dismissal of O.S. 21 of 28.29 on the file of the District Court, Bangalore, each party bearing h own costs, ~~such order~~ on accoun of the plaintiff reporti settlement out of Court, I am to enquire wheth

[over

ou agreed to such a course
eing adopted by the Com
nd if so on what authority
ou took such action - Rule
35 of the Rules for the Conduct
f legal affairs of Govt definitely
rohibit such a course being
aken by any officer of
Government without the
express orders of Govt
to be obtained through
~~this off~~

The matter may be
treated as immediate and
a reply sent at once

Pm' I have e

Legal R

8/4

45

11th November 1930.

IMMEDIATE.

The Public Prosecutor,
Bangalore.

With reference to your letter No. 169 of 6th November intimating the dismissal of O.S. 21 of 28-29 on the file of the District Court, Bangalore, each party bearing his own costs, on account of the plaintiff reporting settlement out of court, I am to enquire whether you agreed to such a course being adopted by the Court and if so on what authority you took such action - Rule ~~135~~ 135 of the Rules for the conduct of legal affairs of Governmen definitely prohibit such a course being taken by any officer of Government without the express orders of Government to be obtained through this office.

The matter may be treated as immediate and a reply sent at once.

I have the honor to be,
Sir,
Your most obedient servant,

For Legal Remembrancer and
Secretary to Govt. Law Deptt.

15D

c.n.

From
The Public prosecut..,
angalore.

RS 14/11.

To The Legal Remembrancer
and Secretary to Government,
Law Department
Bangalore

Law 14/11

Sir,

With reference to your letter No. P 2693/Law 92
of the 12th instant I have the honour to state
that the suit filed by the plaintiff was wi
and the suit was dismissed under the foll
circumstances. prior to the institution of th
a petition filed by the plaintiff (petition No
Appeal 135 of 22-23) was pending in the cour
of the Revenue Commissioner and he was pleas
to pass an order on 30/10/1929 (a copy of which is
enclosed herewith) to the effect that the land in
dispute should be divided [illegible] the plaintiff
and 2nd defendant. It is in terms of this order
that the plaintiff and 2nd defendant seem to
have settled the matter between themselves out
of Court. The plaintiff intimated to the Court that
he and the 2nd defendant [illegible] the matter
and that the suit was [illegible]
Government was [illegible]

Such a settlement and was [illegible]
by the [illegible] withdrawal of the suit. In fact the Government had authorised the Revenue Commissio to settle the matter between the parties and he ha accordingly disposed of the matter to the satisfa of both the parties. Since the suit, the value of which was Rs 32 was withdrawn even before the settlement of issues in accordance with the order of Revenue Commissioner the court passed the order ismissing the suit. Under these circumstances I sub at Rule 135 of the Rules for the Conduct of Lega ffairs of Government does not apply to the peculia iti of the case and hence the procedure contempla erein was not followed.

I have the honour to be,
Sir,
Your most obedient servant,

B. N. V. Deva.
Public prosecutor
Bangalore

No. App. 135/22-23.

Office of the Revenue Com
in Mysore
48

Dated Bangalore, 30th October 1925

Petition No. App. 135 of 1922-23.

Petitioner:-

Hanumanthaiya, Shanbhog, Haridalu village, Gowribidnur Taluk. vs. Balappa, Matchukun village, Gowribidnur Taluk

Subject:-

In the matter of the disposal of Survey No 26 of Matchukuntē village, Gowribidnur Taluk.

Facts of the Case

The facts of the case leading to the order of the resale of the land in question, which was purchased by petitioner Hanumanthaiya in a darkhast sale are fully set forth in this Office order No. App. 135/22-23 dated 1-1-1925.

Against this order Hanumanthaiya appealed to Government and his appeal was rejected

In March 1927 Balappa submitted a petition to this Office stating that this Office order dated 1-1-1925 directing the resale of the land had not been given effect to, and praying that the resale might be expedited be expedited or the land confirmed to him for Rs 200

A report was called for from the Deputy Commissioner as to whether the allegations in the petition of Balappa were true and if so to ovram and submit the explanation of the offi-- concerned.

In the meanwhile, Hanumanthaiya again submitted a petition to Government who directed that the sale of the land in question might be held in abeyance pending final orders in the matter, and the records submitted. This was communicated to the Deputy Commissioner

In his report submitting the records dated 20-4-1928, the Deputy Commissioner, Kolar, stated that the official responsible for the delay in carrying out the orders was suitably dealt with. The Government dismisse Hanumanthaiya's review application also. But he was not to be silenced. He files a civil suit against Government and it is pending before the District Court. He has now submitted a petition to the Dewan stating that Saguvali Chit in respect of the land had been issued to him and the land was put into his possession his possession also several years ago, that since then he had spent large sums in improving it that it might be ordered to be continued to him. This petition was forwarded to this office with the direction " that if the facts stated by the petitioner are true, he deserves some consideration which would enable him to save the further case of litigation in a civil Court which he has been obliged to have recourse to. The petition is accordingly forwarded to the Revenue Commissioner for giving him such relief as may be possible in the circumstances of the case. A report of action taken may be made in the matter."

A report was then called for, from the Deputy Commissioner. His report states that the land was notified for sale on 22-1-1919 after Hanumanthaiya's second appeal to Government failed, and the sale was also held on the date. The land was again knocked down to the opponent Balrappa for Rs 670/- and the sale was

51

the sale was also confirmed on 8-3-1929 and Saguvali chit issued on 16-3-1929.

A reference was in the mean-time made to Government and they have permitted this Office to revise the order passed by my predecessor

The case was therefore posted for hearing on 26-10-1929 when the petitioner and the oppone and their Advocates were present and heard.

Order

The total area of the ------ is 8 acres and 3 guntas and was originally sold to the appelle in the year 1921 for Rs 32/- The sale being considered irregular was cancelled and a resa was ordered in 1925 and this was up-held in appeal before the Government.

The petitioner has been trying to circumv this order in various ways and has even filed suit in a civil court. He has however approac Government stating that as he is old and has bee put to much loss in trying to get the land an the lease proceedings consequent thereon.

Consequent thereon, some consideration may be shown to him. The Government having referred the case to me have authorised me to dispose of the case in the most equitable manner. The land has been sold to Ballappa for Rs 670/-. It is probable that one of the reasons why the land fetched such a high price was due to some improvements effected by the petitioner. The land will be equally divided between the petitioner and Balappa and its price fixed at Rs 250/- exclusive of local cesses. The amount recovered in excess from Balappa as his share will be refunded to him. The land will be sub-divided and the petitioner given his portion as soon as he pays the difference between Rs 125/- due for his share and the amount already paid by him.

(Sd) P. G. D'Souza

Revenue Commissioner.

Copied by. H. Hanumantharao. Clerk. Office of the public prosecutor, Bangalore

"True copy"

B. N. V. Deva

So

Appendix F G—1

SUBJECT

Section Law

File No. 92-28

Serial No. 18

No. D 2824

Diary No. of letter replied to

General and Revenue Secretariat
(   )
the   193

To

The Public Prosecutor, B'lore.

Date of issue 24/11

Sir,

In reply to the correspondence ending with your letter no 183/30.31 dated 14th Nov 1930 re: the dismissal of O.S. 21/28-29 on the file of the District Judge Bangalore (Hanumanthappa vs ~~Chief Secy~~, 2. Balappa) I am directed to request you to obtain and send for the information of Govt a ~~Copy of~~ copies of the judgment ~~passed in the case~~ ~~Certified Copy of the decree as~~ (i.e Judge's notes for 21.7.1930) & ~~well as the Judge's notes if any.~~ decree passed in the case

I have etc

Signed by Mr N. R. [illegible]

List of enclosures

Copied by 24/11

Examined by

for L. R.?

[over

TSD

WD 02559—GPB—25,000—25-8-30

No 328/30-31
encl (2)

5735/p 30-31

Bangalore
28/1/31 54

L9

From

The public prosecutor,
Bangalore

To

The Legal Remembrancer and Secretary
to Government, Law Department,
Bangalore

28/1

Sir,

Re: OS 21/28-29 on the file of the District Judge, Bangalore (Hanumanthiah vs. Chief Secretary & another).

29-4/-

With reference to your letter No. p. 4283/Law of the 19th instant I have the honour to send herewith the copies of judges notes on 30.6.1930 and 21.7.30 and judgment in the above case. No decree has been passed in the above case. I request that the bill may kindly be passed.

I have the honour to be,
Sir,
Your most obedient Servant,
B. N. V. Deva.
Public Prosecutor,
Bangalore

22

1/55

TWO ANNAS GO OF MYSORE ಎರಡು ಆಣೆ

CR 3808
21.1.31

In the Court of the District Judge
Bangalore Division

Original Suit No. 21 of 28-29.

Plaintiff – Hanumanthiah Versus
Defendants – (1) Chief Secretary (2) Ballappa —

x x x x

30. 6. 30. Plaintiff by Mr R. P. Vasudev 1st defendant absent. Reply not filed. Plaintiff's pleader says that he understands that the matter in dispute has been settled. He wants time to report. Adjourned to 21. 7. 30.

(Sd) A.S.R.
Dist Judge
30. 6. 30.

~~27.7~~ 21. 7. 30. On account of Tumkur sessions, adjourned to 27. 7. 30.

By order (Initialed) A.P.S.
Sheristadar

True Copy
[illegible] Record Keeper

Copy applied for on the	Applicant told to appear on the [illegible]	Applicant appeared on the [illegible] supplied	Copying stopped for want of copying sheets on the [illegible] appeared	Additional copying sheets supplied on the appeared
20/1/31	—	20.1.31	26 1/31	27 1/31

Copy ready on the	Copy delivered on the	Copied by	Examined by
26 1/31	27 1/31		

TWO ANNAS GOVERNMENT OF MYSORE ಎರಡು ಆಣೆ

In the Court of the District Judge
Bangalore Division

Dated the 31st day of July 1930

Present. A. Srinivasa Ragavachari Esq BA BL
District Judge

(Original Suit No 21 of 28-29

Plaintiff - Hanumanthiah Versus
Defendants - (1) Chief Secretary (2) Bulleappa -

Judgment

Dismissed. Parties to ~~t~~ bear own Costs. Half institution fees to be refunded.

(Initialled) A.S.R. Dist Judge
31.7.30

True Copy
U. Chandrahasam
[illegible] Record keeper

Mr K. N. V. Deva

Copy applied for on the	Applicant told to appear on the [illegible]	Applicant appeared on the [illegible]	Copying stopped for want of copying sheets on the [illegible]	Additional copying sheets supplied on the [illegible]
20.1.31	—	20.1.31	26/1/31	27/1/31

Copy ready on the	Copy delivered on the	Copied by	Examined by
26-1-31	27/1/31	[illegible]	[illegible]

Law

P 5334 – 9/3/31
Law

The Public Prosecutor,
Bangalore Division.

With reference to your letter No.328/30-31 dated 28th January 1931 re. O.S.21 of 28-29 on the file of the District Judge, Bangalore (Hanumantha Vs. Government), I am to enquire whether on 31st July 1930 you did or did not press for costs in the suit to be awarded to Government - If inspite of your demanding costs, the court ordered each party to bear its own costs, it is not clear how an order has been passed for refund of half the institution fee and why your request for costs and the courts ruling thereon are not recorded in the proceedings. If however you did not press for costs, I am to enquire why and -- under whose instructions you adopted that course.

I have the honour to be,
Sir,
Your most obedient servant,

For Legal Remembrancer &
Secretary to Govt.,
Law Department.

Please send this [illegible]
[illegible]
[illegible]
9/3/31

Appendix F G—1

SUBJECT..

Section Law
File No. 92-28
Serial No. 20

No. 5334

Diary No. of letter replied to..........................

General and Revenue Secretariat
(   )
the   193

To

The Public Prosecutor
Bangalore

Sir,

With reference to your letter No: 328/30-31 dated 18th January 1931 re: O.S. 21 of 28 on the file of the District Judg Bangalore (Hanumanthia vs Govt), I am to enquire whether ~~you~~ ~~pressed for costs and the same was disallowed; in spite of it~~ on 31st July 193 did or did not press you ~~pressed~~ for costs in the suit to be awarded to Govt. If inspite

over

Date of issue 4/3/31

Signed by M. N.

List of enclosures..........................

Copied by..........................

Examined by..........................

59

of your demanding Costs, the Court ordered each party to bear its own costs, it is not clear how an order has been passed for refund of half the institution fee, and why your request for costs & the court's ruling thereon are not mentioned in the proceedings. If however you did not press for costs, I am to enquire why and under whose instructions you adopted that course. ~~The Revenue Commissioner~~ [illegible]

I have &c

D. M.

Legal R.

21/2

No 34/31-32

3866/31 Bangalore
21st April 1931-

[illegible] T/60

From

The public prosecutor,
Bangalore

To

The Chief Secretary to the Government
of Mysore, Bangalore

Sir,

Re: OS 21 of 28-29 on the file of the District Judge, Bangalore. (Hanumanthiah vs Govt)

With reference to your letter no. P 212/Law of the 7th instant I have the honour to state that in the above case only written statement was filed and even the reply was not filed by the plaintiff. plaintiff reported settlement out of Court. The suit value is Rs 32. In the peculiar circumstances of the case as detailed in my reply of 14-11-1930 Costs on Rs 32/- was not pressed.

I have the honour to be,
Sir,
Your most obedient servant,
B. N. V. Deva
Public prosecutor,
Bangalore

Appendix F G–3]

SUBJECT..........

Section Loan
File No. 92-28
Serial No. 22

Diary No. of letter replied to..........

Proceedings of the Government of His Highness the Maharaja of Mysore.

General and Revenue Secretariat

( )

the *193* .

Date of issue.......... 15 8
17 31

Signed by..........

May this be

i. printed?

ii. treated as a standing order?

iii. published in the Gazette English Part?

iv. translated?

v. placed at the disposal of the press?

vi. published in the Gazette, Kannada Part?

ist of enclosures..........

opied by.......... 11.8

Examined by..........

Read—

Letter no. 183/30-31 da

14th Nov 1930 from the PPr. Bangal

forwarding for Sanction a bill

Rs 50/- being his remuneration

professional services rendered i

O.S. 21/20-29 on the file of th

Dist. Judge, Bangalore (Hanuma

vs Chief Secy.) arising out of ~~a suit f~~

~~Order Thereon No.~~ darkhast sale of Survey No: 26 ~~declaration of title to the dry land~~

Nacha kunte village, Tondebhavi Hobli, Goribid

~~described in the plaint schedule.~~ Taluk —

2. Correspondence endi

with the letter no 34/31-32 da

21st July 1931 from the Same off

explaining the Circumstances un

which he did not press for c

in the Said Case.

62

order:- The suit was dismissed w/o framing issues arrived, in view of the orders of the Rev Comr ~~In view of the fact that~~ ~~in Rev~~ passed on 30th Octr 1929 in Appeal No. 135 of 22.25. The Public Prosecutor ~~did not press~~ ought however, to have pressed for Costs being awarded to Govt ~~which he ought to have~~ in the usual course. ~~He On account of this omission,~~ ~~this is a a matter of Course~~

~~Govt are pleased to Sanction a Sum of Rs 7/- only being the minimum fee for a suit in the Dist. Court.~~

2. The fee of Rs 50/- claimed by the Public Prosecutor is excessive. The minimum fee in a suit in the District Court is Rs 7/- and Government in the circumstances of this case are pleased to sanction a ~~the~~ sum of ~~Rs~~ seven only ~~Seven this amount~~, as fee to the Public Prosecutor for services rendered in this case.

3) Under Rule 130 of the Rules for the Conduct of the ~~Rule~~ Legal affairs of Govt, the Rev. Commr is requested to point out ~~the Source~~ direct to the Comptroller to Govt the source, out of which the charge is to be met.

13/8

8/8 Chief Secy ~~to Govt~~

To

1) The P.Pr. B'lore with the C.O.
2) " Comptroller ~~to Govt~~
3) " Rev. Commr.

TSD 8/8

63

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read :—

Letter No. 183/30-31, dated 14th November 1930, from the Public Prosecutor, Bangalore, forwarding for sanction a bill for Rs. 50/- being his remuneration for professional services rendered in O.S. 21/28-29 on the file of the District Judge, Bangalore -- (Himmaiya Vs. Chief Secretary) arising out of a darkhast sale of Survey No. 26 in Nachakunte village, Tondebhavi Hobli, Goribidnur Taluk.

2. Correspondence ending with the letter No. 54/31-32, dated 21st July 1931, from the same officer, explaining the circumstances under which he did not press for costs in the said case.

Order No.

Bangalore, dated the 14th August 1931.

This suit was dismissed before the stage of framing issues arrived, in view of the orders of the Revenue Commissioner passed on 30th October 1929 in Appeal No. 135 of 22-23. The Public Prosecutor ought however to have pressed for costs being awarded to — Government in the usual course.

2. The fee of Rs. 50/- claimed by the Public Prosecutor is -- excessive. The minimum fee in a suit in the District Court is -- Rs. 7/- and Government in the circumstances of this case are pleased to sanction a sum of Rs. seven only as feex to the Public Prosecutor for services rendered in this case.

3. Under Rule 130 of the Rules for the Conduct of the legal — affairs of Government, the Revenue Commissioner is requested to point out direct to the Comptroller to Government the source out of xxx which the charge is to be met.

For Secretary to Government,
General Department.

To

The Public Prosecutor, Bangalore, with the bill. TSD
" Comptroller to Government.
" Revenue Commissioner in Mysore.